

## CHAPTER 68.

AN ACT for the speedy recovery of Small Debts out of court, and to repeal the acts of assembly therein mentioned.

Supplements and other acts are 1801, ch. 42, 62; 1806, ch. 21; 1809, ch. 76, 153, sec. 5; 1811, ch. 174; 1813, ch. 162; 1814, ch. 82; 1818, ch. 166, 177; 1820, ch. 80, 164, 185, 186; 1821, ch. 162; 1822, ch. 143; 1823, ch. 25, 172; 1824, ch. 138, 140; 1825, ch. 21, 51, 68, 158, 198, 223; 1827, ch. 85; 1829, ch. 236; 1831, ch. 271, 274, 290, 306, 317; 1833, ch. 119, 189; 1834, ch. 126, 190, 257, 289, 296; 1835, ch. 224; 1837, ch. 217.

It is impracticable to distribute to the appropriate sections, with satisfactory precision, the variety of rules which relate to this branch of jurisprudence; they will be referred to in the Index, under the word '*Small Debts*.'

See 1821, ch. 249, as to the justices in and for the city of Baltimore.

*Be it enacted, by the General Assembly of Maryland,* That from and after the first day of March next, in all cases where the real debt and damages doth not exceed ten pounds current money, or one thousand pounds of tobacco, it shall and may be lawful for any one justice of the peace of each respective county wherein the debtor doth reside, to try, hear and determine the matter in controversy between the creditor and debtor, and upon full hearing of the allegations and evidences of both parties, to give judgment according to the laws of the land, and the equity and right of the matter, and, if need be, charge the constable with the body of the debtor in execution, who is hereby obliged and empowered to carry the person so committed to the sheriff of the county, together with a certificate or mittimus from such justice, wherein shall be certified the debt and cost whereof such person shall be convict, by him to be safely kept until satisfaction or other end thereof; or otherwise, that such justice, or any other justice of the peace for the same county, shall, within one year from the time of the rendition of said judgment, award execution thereon, (directed to the sheriff of the county where the defendant resides,) by warrant or mittimus, in the nature of *capias ad satisfaciendum*, *fieri facias* or otherwise; and that in case, upon the return of any warrant, on any complaint issued by any such justice, it shall appear that the person against whom the same shall issue is not to be found, it shall and may be lawful for the creditor to proceed in the several and respective county courts, for obtaining an attachment, according to the directions of the act\* for issuing out attachments in this province, and limiting the extent of them, against the goods, chattels and credits, of such person, for any sum exceeding ten shillings or fifty pounds of tobacco, any act or acts to the contrary notwithstanding.

One justice may determine, &c.

\*1715, ch. 40.

1809, ch. 153, judgment to be entered, to carry interest from the day on which judgment was rendered.

The act of 1809, ch. 76, sec. 6, enlarged their jurisdiction to \$50.

1813, ch. 162, extended it over trespasses for cutting, destroying, or carrying away wood or timber, where the damages do not exceed \$50.